
PRELIMINARY DRAFT
No. 3847

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2005 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 20-5.

Synopsis: Title 20 recodification. Article 26 (part).

Effective: July 1, 2005.



A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

[IC 20-5-6-1] Sec. 1. Except for IC 20-5-3-1, IC 20-5-3-3, and IC 20-5-3-4, the powers given each school corporation in IC 20-5-1 through IC 20-5-6 and the limitations on such powers set out in IC 20-5-1 through IC 20-5-6 shall not be construed to limit the ~~power~~ ~~or~~ authority of ~~such the~~ governing body given by any other statute or rule.

[IC 20-5-6-2] Sec. 2. Except as provided in section 1 of this chapter, IC 20-5-1 through IC 20-5-6 ~~shall be~~ **is** supplemental ~~and in addition~~ to all other statutes and rules. The powers given to any school corporation under IC 20-5-1 through IC 20-5-6 ~~shall be~~ **are** in addition to those given by any other statute or rule and ~~shall are~~ not ~~be~~ subject to any limitations set out ~~therein; [??]~~ or to comply with ~~the provisions thereof; those statutes,~~ except to the extent provided in IC 20-5-1 through IC 20-5-6 by specific reference to a designated statute or the statute or rule relating to a given subject. ~~and~~ All statutes in conflict with ~~the provisions of~~ IC 20-5-1 through IC 20-5-6 are ~~hereby~~ repealed to the extent of ~~such the~~ conflict.

[IC 20-5-6-3] Sec. 3. IC 20-5-1 through IC 20-5-6 shall be liberally construed to permit the governing body of ~~a school corporations~~ **corporation** to conduct its affairs in a manner consistent with sound business practice to the ends that the authority of the governing body ~~shall be~~ **is** clarified and that it ~~shall be~~ **is** permitted to operate with the maximum efficiency consistent with accountability.

[IC 20-5-6-4] Sec. 4. A governing body in operating a school lunch program ~~pursuant to~~ **under** IC 20-5-2-2(10) may use either of the following accounting methods:

- (1) It may supervise and control the program through the school corporation account, establishing a school lunch fund.
- (2) It may cause such program to be operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts in accordance with IC 20-5-7.



[IC 20-5-6-5] Sec. 5. (a) A governing body in operating a textbook rental program pursuant to IC 20-5-2-2(11) may use either of the following accounting methods:

(1) It may supervise and control the program through the school corporation account, establishing a textbook rental fund.

(2) ~~Where~~ **If** no textbooks have been purchased and no financial commitments or guarantees for ~~such the~~ purchases have been made by the school corporation, the governing body may cause ~~such the~~ program to be operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts in accordance with IC 20-5-7.

(b) ~~Where~~ **If** the governing body determines that a hardship exists due to the inability of a student's family to purchase or rent textbooks taking into consideration the income of ~~such the~~ family and the demands ~~thereon~~, on the **family**, it may furnish textbooks to such students without charge, without reference to the application of any other statute or rule except IC 20-5-1 through IC 20-5-6.

[IC 20-5-6-6] Sec. 6. (1) ~~Where~~ **If** a school lunch fund and a textbook rental fund are created in accordance with section 4 or 5 of this chapter, the receipts and expenditures ~~therefrom from a fund~~ for the program to which ~~each the fund~~ relates shall be made to and from ~~such the~~ fund without appropriation or the application of other statutes and rules relating to the budgets of municipal corporations.

(2) ~~Where~~ **If** either the lunch program or textbook rental program ~~are is~~ handled through the extracurricular account, the governing body of the school corporation shall approve the amount of the bond of the treasurer of the extracurricular account in an amount ~~deemed~~ **considered** by it sufficient to protect the account for all funds coming into the hands of the treasurer of ~~such the~~ account.

[IC 20-5-6-6.5] Sec. 6.5. ~~In furtherance of the~~ **For** purposes of IC 20-5-2-1.2 and ~~pursuant to under~~ the powers of IC 20-5-2-2(19), the governing body of any school corporation may join and associate with groups of other school corporations within Indiana in regional school study councils to examine common school problems and exchange educational information of mutual benefit, and dues to ~~such the~~ study councils shall be paid by the school corporation from the general fund.

[IC 20-5-6-6.6] Sec. 6.6. A governing body ~~pursuant to under~~ its powers to fix and pay the salaries and compensation of employees of the school corporation and to contract for services under IC 20-5-2-2(7) may distribute payroll based on contractual and salary schedule commitments ~~in lieu instead~~ of payroll estimates approved in advance by the governing body.

[IC 20-5-6-7] Sec. 7. The governing body of any school corporation may permit any of its facilities to be used by any person in situations and at times ~~which that~~ do not interfere with use of the facility for school purposes, as for example:



(1) use of a swimming pool or other athletic facility; or
 (2) use of classrooms or other space in a school for purposes of school age childcare;
 and may incur any necessary expense in the use or operation of the facility. The governing body may set up and charge a schedule of fees for admission to or use of any facility outside the school corporation's regular school program. All such fees shall be receipted to the general fund or to the special school fund of the school corporation.

[IC 20-5-6-9] Sec. 9. (a) As used in this section, "public school endowment corporation" means a corporation that is:

- (1) organized under the Indiana Nonprofit Corporation Act of 1991 (IC 23-17);
- (2) organized exclusively for educational, charitable, and scientific purposes; and
- (3) formed for the purpose of providing educational resources to:
 - (A) a particular school corporation or school corporations; or
 - (B) the schools in a particular geographic area.

(b) As used in this section, "proceeds from riverboat gaming" means tax revenue received by a political subdivision under IC 4-33-12-6, IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.

(c) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(d) A political subdivision may donate proceeds from riverboat gaming to a public school endowment corporation under the following conditions:

- (1) The public school endowment corporation retains all rights to the donation, including investment powers.
- (2) The public school endowment corporation agrees to return the donation to the political subdivision if the corporation:
 - (A) loses the corporation's status as a public charitable organization;
 - (B) is liquidated; or
 - (C) violates any condition of the endowment set by the fiscal body of the political subdivision.

(e) A public school endowment corporation may distribute both principal and income.

[IC 20-5-6-10] Sec. 10. (a) The governing body of a school corporation may donate the proceeds of a grant, a gift, a donation, an endowment, a bequest, a trust, or an agreement to share tax revenue received by a city or county under IC 4-33-12-6 or IC 4-33-13, or other funds not generated from taxes levied by the school corporation, to a foundation under the following conditions:

- (1) The foundation is a charitable nonprofit community foundation.
- (2) The foundation retains all rights to the donation, including



investment powers, except as provided in subdivision (3).

(3) The foundation agrees to do the following:

(A) Hold the donation as a permanent endowment.

(B) Distribute the income from the donation only to the school corporation as directed by resolution of the governing body of the school corporation.

(C) Return the donation to the general fund of the school corporation if the foundation:

(i) loses the foundation's status as a public charitable organization;

(ii) is liquidated; or

(iii) violates any condition of the endowment set by the governing body of the school corporation.

(b) A school corporation may use income received under this section from a community foundation only for purposes of the school corporation.

[IC 20-5-7-0.5] Sec. 0.5. As used in this chapter, "treasurer" includes an assistant treasurer or a deputy treasurer.

[IC 20-5-7-1] Sec. 1. (a) Every public school ~~in the state of Indiana~~ ~~shall~~ **must** have a treasurer for ~~the purpose~~ **purposes** of this chapter who ~~shall~~ **must** be the superintendent or principal of the particular school or some clerk of the school corporation or member of the faculty appointed by ~~such~~ **the** superintendent or principal. ~~such~~ **This** designation ~~to~~ **must** be made immediately upon the opening of the school term or the vacating of ~~such~~ **the** treasurership. All claims shall be filed and paid ~~in accordance with the terms of~~ **under** section 2 of this chapter, and the power to appoint and engage such school treasurer or clerk is ~~hereby~~ granted to the employing ~~and/or~~ **or** appointing officials of the school.

(b) A school corporation may appoint one (1) or more assistant or deputy treasurers.

[IC 20-5-7-2] Sec. 2. (a) The treasurer ~~shall have~~ **has** charge of the custody and disbursement of any funds collected by a collecting authority and expended to pay expenses:

(1) approved by the principal or teacher in charge of the school;

(2) incurred in conducting any athletic, social, or other school function (other than functions conducted solely by any organization of parents and teachers);

(3) that cost more than twenty-five dollars (\$25) during the school year; and

(4) that are not paid from public funds.

The principal or teacher in charge of the school shall designate a collecting authority to be in charge of the collection of any funds described in this subsection. Upon collection of any funds, the collecting authority shall deliver the funds, together with an accounting of the funds, to the custody of the school treasurer. The principal may



1 designate different collecting authorities for each separate account of
2 funds described in this subsection.

3 (b) The treasurer shall keep an accurate account of all money so
4 received by the collecting authority and expended, showing the sources
5 of all receipts and the purposes for which the money was expended and
6 the balance on hand, and a copy of ~~such the~~ report shall be filed with
7 the township trustee, board of school trustees, or board of school
8 commissioners, **within not later than** two (2) weeks after the close of
9 each school year, together with all records and files of such
10 extracurricular activities.

11 (c) However, in ~~schools~~ **a school** having two (2) or more semesters
12 in any one (1) school year, the treasurer of any ~~such the~~ school shall
13 file a copy of the treasurer's financial report of receipts and
14 disbursements with the township trustee, board of school trustees, or
15 board of school commissioners, **within not later than** two (2) weeks
16 after the close of each semester, and all records and files of such
17 extracurricular activities for the entire school year shall be filed with
18 the last financial semester report of any one (1) school year.

19 (d) A copy of ~~such the~~ report ~~is to~~ **shall** be filed with and kept by
20 the city superintendent having jurisdiction and the county
21 superintendent where the superintendent has jurisdiction. These
22 records ~~shall be~~ **are** permanent records for five (5) years, after which
23 time they may be destroyed.

24 (e) A treasurer is not personally liable for an act or omission
25 occurring in connection with the performance of the duties set forth in
26 this section, unless the act or omission constitutes gross negligence or
27 an intentional disregard of the treasurer's duties.

28 [IC 20-5-7-3] Sec. 3. (a) The treasurer shall give a bond in ~~such an~~
29 amount as shall be fixed by the superintendent and principal of the
30 school approximating the total amount of the anticipated funds ~~which~~
31 **that** will come into the hands of the treasurer at any one (1) time
32 during the regular school year, and all ~~such the~~ bonds shall be filed
33 with the trustee or board of school trustees. The surety on ~~such the~~
34 bonds ~~shall must~~ be a surety company authorized to do business in
35 Indiana. ~~Provided, However, that~~ the requirement for giving ~~such the~~
36 bond and the requirement to deposit ~~such the~~ receipts in a separate
37 bank account, as is required in section 4 of this chapter ~~shall do~~ not
38 apply in any school **for** which ~~such the~~ funds, as estimated by the
39 principal, will not exceed three hundred dollars (\$300) during a school
40 year.

41 (b) The requirements of this chapter may be fulfilled by the
42 providing of a comprehensive bonding instrument, such as a single
43 blanket position bond, for all extracurricular treasurers. Such
44 comprehensive bonding instrument shall be acceptable ~~in lieu~~ **instead**
45 of individual separate personal position bonds.

46 [IC 20-5-7-4] Sec. 4. (a) The treasurer shall deposit all receipts in



one (1) bank account. ~~and~~ The receipts shall be deposited without unreasonable delay. The account ~~shall be~~ is known as the school extracurricular account. The records of each organization, class, or activity shall be kept separate so that the balance in each fund may be known at all times.

(b) The money in the school extracurricular account may be invested under the conditions specified in IC 5-13-10 and IC 5-13-10.5 for investment of state money. However, investments under this section are at the discretion of the principal. The interest earned from any investment may be credited to the school extracurricular account and need not be credited proportionately to each separate extracurricular fund. The interest earned from the investment may be used for **any of the following:**

(1) Any school purpose approved by the principal. ~~or~~

(2) An extracurricular purpose approved by the principal.

(c) Amounts expended under this section for the purposes described in this section are in addition to the appropriation under IC 20-5-2-2(2.5)[??].

[IC 20-5-7-5] Sec. 5. All forms and records for keeping the accounts of the extracurricular activities in ~~the schools of Indiana school corporations~~ shall be prescribed or approved by the state board of accounts. The records and affairs of ~~such the~~ extracurricular activities may be examined by the state board of accounts when in the judgment of the state examiner ~~such an~~ examination is necessary. ~~Such~~ The forms ~~as are~~ prescribed or approved for keeping ~~such these~~ accounts ~~shall must be of such a character as to~~ achieve a simplified system of bookkeeping and shall be paid for, along with the bond ~~as herein~~ required **in this chapter**, from the special school fund. The funds of all accounts of any organizations, class, or activity shall be accounted separately from all others. ~~No~~ Funds ~~shall may not~~ be transferred from the accounts of any organization, class, or activity except by a majority vote of its members, if any, and by the approval of the principal, sponsor, and treasurer of the organization, class, or activity. ~~Provided;~~ **That However,** in the case of athletic funds:

(1) approval of the transfer must be made by the athletic director, who ~~shall be~~ is regarded as the sponsor; and

(2) participating students ~~shall are not be~~ considered members.

All expenditures shall be subject to review by the local school board.

[IC 20-5-9-1] Sec. 1. ~~Any~~ Two (2) or more school corporations within a county may through their respective school trustees and boards engage in **any of the following:**

(1) Joint employment of professional personnel. ~~and/or in~~

(2) Joint purchases of necessary supplies, equipment, and other materials ~~which said that the~~ participating school officers ~~may deem consider~~ proper to the operation of their respective schools.

The cost of ~~such these~~ services and purchases to participating



corporations shall be determined by their proportionate use in the schools of participating corporations. The county superintendent of schools ~~shall be~~ is the administrator of these joint activities.

[IC 20-5-9-2] Sec. 2. (a) Each county board of education ~~is hereby empowered by law to may~~ authorize the county superintendent of schools to establish a joint service and supply fund, into which fund the participating school corporations shall pay their proportionate share ~~pursuant to under an~~ agreement for ~~any such the~~ joint services and supplies in which ~~said the~~ school corporations ~~may be~~ are interested. The county superintendent of schools ~~shall be further authorized to may~~ disburse from ~~such the~~ service and supply fund proper expenditures to pay salaries of jointly employed personnel and other joint service expenditures.

(b) The county superintendent of schools shall keep a complete written accounting of all receipts and disbursements ~~pertaining related~~ to the joint service and supply fund in a form approved by the state board of accounts. ~~which The~~ accounting shall be audited by the state board of accounts. The county superintendent of schools shall make a complete and detailed financial report of all receipts and disbursements in ~~said the~~ joint service and supply fund at the end of each fiscal year and shall furnish copies of ~~said the~~ report to all participating school corporations.

[IC 20-5-9-3] Sec. 3. The purchasing of equipment, supplies, and ~~such~~ materials shall be under the same laws and regulations as the purchasing would be if it were by a single school corporation. ~~Provided That However,~~ the bids shall be submitted by the superintendent of county schools to the participating corporations for approval.

[IC 20-5-10-1] Sec. 1. Public school corporations ~~are authorized to may~~ enter into agreements with institutions of higher education accredited by the training and licensing commission of Indiana [QUERY: Does this entity still exist?] ~~for the purpose of providing to provide~~ teaching experience for students ~~thereof of the institutions~~ preparing for the educational profession and for the services of persons working jointly for ~~any such the~~ school corporation and ~~any such an~~ institution.

[IC 20-5-10-2] Sec. 2. (a) Each ~~such~~ agreement ~~shall under section 1 of this chapter must~~ set out the responsibilities and rights of ~~such the~~ public school corporations, ~~such the~~ institutions, and ~~such the~~ students or persons who supervise ~~such the~~ students and who are working jointly for ~~any such a~~ school corporation and ~~any such an~~ institution.

(b) Each agreement must contain:

- (1) a provision for the payment of an honorarium for consulting services by the institution of higher education directly to the supervisor; and
- (2) a provision that, if the sum paid by the institution to the



supervisor should ever be lawfully determined to be a wage rather than an honorarium by an instrumentality of the United States, then the institution of higher education shall be considered under the agreement to be the supervisor's part-time employer.

(c) The provisions required by subsection (b) ~~of this section shall~~ **must** be included in every agreement entered into or renewed under this chapter after June 30, 1981. Public school corporations and institutions of higher education shall revise all agreements in effect on July 1, 1981, to include the provisions required by subsection (b). ~~of this section.~~

[IC 20-5-11-1] Sec. 1. ~~(a)~~ **The following definitions apply through this chapter:**

(1) "School corporation" ~~shall be any local means a public school corporation established by and under the laws of the state. It shall include, but not be limited to, any Indiana law. The term includes a school city, school town, consolidated school corporation, metropolitan school district, county school corporation, community school corporation, or united school corporation.~~

~~(b)~~ (2) "Governing body" ~~shall be any means a board of school commissioners, any metropolitan board of education, any board of trustees, or any other another board or commission charged by law with the responsibility of administering the affairs of the a school corporation.~~

~~(c)~~ (3) "Joint program" ~~shall be means the joint employment of personnel, joint purchase of supplies or other material, or joint purchase or lease of equipment, joint lease of land, or buildings, or both, or joint construction of, remodeling of, or additions to school buildings, by two (2) or more school corporations, for a particular program or purpose. Such A joint action shall include, but not be limited to, includes the joint investment of money under IC 5-13, data processing operations, vocational education, psychological services, audiovisual services, guidance services, and special education, This shall include any and joint purchasing related to the acquisition of supplies or equipment which that are not to be used jointly.~~

~~(d)~~ (4) "Participating school corporations" ~~shall be means all school corporations engaging in a joint program.~~

[IC 20-5-11-2] Sec. 2. ~~Any Two (2) or more school corporations acting through their respective governing bodies are authorized to may~~ engage in joint programs under a written agreement executed by all participating school corporations. ~~Such The agreement shall do the following:~~

(1) Designate the type of purchases, leases, or investments to be made.

(2) Prescribe the manner of approving persons employed under



the joint program.

(3) Designate the type of construction, remodeling, or additions to be made on the school buildings. ~~and shall also~~

(4) Provide for the organization, administration, support, funding, and termination of ~~such the~~ program, subject to the provisions of this chapter.

[IC 20-5-11-3] Sec. 3. ~~Such~~ An agreement shall designate one (1) of the participating school corporations to administer and supervise the joint program, including ~~but not limited to~~ receiving and disbursing funds, executing documents, and maintaining records ~~in accordance with the provisions of~~ under this chapter and the agreement between the participating school corporations.

[IC 20-5-11-3.5] Sec. 3.5. ~~Any~~ A teacher employed in a joint program ~~as defined by this chapter~~, who does not have existing years of service in one (1) of the member corporations of the joint program ~~shall be~~ is considered to have been employed as a teacher by ~~that the~~ governing body ~~which that~~ is administering the joint program at the time that the teacher is first employed by the joint program. ~~and such~~ The teacher shall be entitled to the same rights and privileges as set forth in IC 20-6.1-4[??], IC 20-6.1-5[??], and IC 20-6.1-6[??] as if employed as a regular teacher by the governing body ~~which that~~ is administering the joint program at the time that the teacher is first employed by the joint program.

[IC 20-5-11-3.6] Sec. 3.6. ~~Any~~ A teacher who has existing years of service in one (1) of the member school corporations of the joint program shall retain the same rights and privileges as set forth in IC 20-6.1-4[??], IC 20-6.1-5[??], and IC 20-6.1-6[??] as if still employed as a teacher in the school corporation in which the teacher has already acquired years of service.

[IC 20-5-11-3.7] Sec. 3.7. (a) A teacher who loses ~~his the teacher's~~ job in a joint program because of:

- (1) a reduction in services;
- (2) a reorganization;
- (3) the discontinuance of the joint program; or
- (4) a withdrawal in whole or in part of a participating school from the joint program;

shall be accorded the same rights that are provided under IC 20-1-6-20(e)[??] for teachers from special education cooperatives.

(b) A teacher who:

- (1) is employed in a joint program under this chapter;
- (2) loses the teacher's job in the joint program as described in ~~this~~ subsection (a); and
- (3) subsequently is employed by a participating school corporation as described in subsection (a);

retains the rights and privileges under IC 20-6.1-4[??], IC 20-6.1-5[??], and IC 20-6.1-6[??] that the teacher held at the time the teacher lost the



1 job in the joint program as described in subdivision (2).

2 [IC 20-5-11-4] Sec. 4. (a) The governing bodies of participating
3 school corporations ~~are authorized to may~~ pay into a joint fund, to be
4 known as the joint services, leasing, construction, and supply fund, an
5 amount set forth in the written agreement **under section 2[??] of this**
6 **chapter. Such** A governing body shall budget and appropriate funds
7 for the joint program from a special school fund or tuition fund of their
8 respective school corporations, in accordance with ~~law~~ laws governing
9 the use of ~~such~~ those funds.

10 (b) The joint services, leasing, construction, and supply fund shall
11 be held by the governing body of the school corporation designated in
12 the written agreement to administer and supervise the joint program.
13 ~~and such~~ **The designated** governing body shall receive, disburse, ~~and~~
14 maintain an account for ~~such~~ the fund in the same manner as
15 prescribed for other funds of ~~such~~ the governing body and ~~in~~
16 ~~accordance with the provisions of under~~ the written agreement, but
17 without any further or additional appropriation of ~~said~~ the funds. ~~Such~~
18 **The designated** governing body shall make a complete and detailed
19 financial report of all ~~such~~ receipts and disbursements ~~within not later~~
20 **than** thirty (30) days ~~following after~~ the end of each school year and
21 shall furnish copies of ~~such~~ the report to the governing bodies of all
22 other participating school corporations. ~~Provided, however, That~~ The
23 ~~provisions of this chapter relating to reports required of such governing~~
24 ~~bodies shall be under this chapter are~~ supplementary to, and ~~shall do~~
25 not supersede or repeal the requirements for publication of annual
26 reports of certain school corporations as provided by ~~IC 1971, 5-3-1.~~
27 **IC 5-3-1.**

28 [IC 20-5-11-5] Sec. 5. (a) The governing bodies of participating
29 school corporations ~~are authorized to may~~ pay into a joint fund, to be
30 known as the joint investment fund, all or ~~any portion~~ **part** of the
31 money ~~which the~~ governing bodies may otherwise invest ~~pursuant to~~
32 **under** IC 5-13-9. The fund shall be administered by the governing
33 body of the school corporation designated in the written agreement
34 **under section 2[??] of this chapter. and that The designated**
35 governing body shall receive, invest, maintain an account for, and
36 disburse the fund in the same manner as prescribed for other funds for
37 the governing body representing money available for investment and
38 in accordance with ~~the provisions of~~ the written agreement.

39 (b) With respect to an investment described in IC 5-13-9, ~~quotations~~
40 **quotes** may be solicited and received orally, and the investment shall
41 be made with the ~~duly~~ designated depository ~~which has that~~ submitted
42 the highest ~~quotation. In the event that quote. If~~ two (2) or more ~~duly~~
43 designated depositories submit the highest ~~quotation; quote,~~ the
44 investment shall be made either:

45 ~~(1)~~ **(1)** by dividing the investment among the depositories so as not
46 to lose the benefits of the ~~quotations~~ **quotes** received; or



(~~iii~~) (2) if division is not practicable, by lot.

(c) The ~~duly~~ designated depository holding the investment shall remit to the governing body administering the joint program any money due under the investment on the date the investment matures and in the manner directed by the governing body. ~~Any duly~~ A designated depository participating in an agreement for joint investment of money under IC 5-13 shall provide a detailed accounting of the transactions as required for audit purposes by the state board of accounts.

[IC 20-5-13-1] Sec. 1. ~~For the purpose of and when used in The~~ following definitions apply throughout this chapter:

(~~a~~) (1) "School board" ~~shall mean~~, means, when applicable to a public school of ~~this state~~, **Indiana**, the board of school trustees, board of school commissioners, ~~or~~ school board of incorporated towns and cities, ~~also shall mean and refer to and~~ township school trustees. When applicable to a school other than a public school, ~~it shall mean the term means~~ a person or agency in active charge and management of ~~such the~~ school.

(~~b~~) (2) "School" ~~shall mean means~~ the following:

(A) ~~An Indiana public schools of this state of high school grade or under and shall also mean school in which any grade from kindergarten through grade 12 is taught.~~

(B) ~~A nonpublic schools of high school grade or under other than a public school; except such school as school in which any grade from kindergarten through grade 12 is taught that is not operated for profit in whole or in part.~~

(~~c~~) (3) "School lunch program" ~~shall mean means~~ a program under which lunches are served by ~~any a~~ school in ~~this state~~ **Indiana** on a nonprofit basis to children in attendance, including any ~~such~~ program under which a school receives assistance out of funds appropriated by the Congress of the United States.

[IC 20-5-13-2] Sec. 2. The state superintendent ~~of public instruction~~ ~~is hereby authorized to may~~ accept and direct the disbursement of funds appropriated by any act of ~~the United States~~ Congress and apportioned to the state for use in connection with school lunch programs. The state superintendent ~~of public instruction~~ shall deposit all ~~such~~ funds received from the federal government with the treasurer of state in ~~such properly designated a~~ special account or accounts ~~as will to~~ facilitate the administration of the program. ~~and said The~~ treasurer ~~of state~~ shall make disbursements ~~therefrom from the account or accounts~~ upon ~~the~~ direction of the state superintendent. ~~of public instruction.~~

[IC 20-5-13-3] Sec. 3. (~~a~~) The state superintendent ~~of public instruction~~ may enter into ~~such~~ agreements with ~~any a~~ school board, or with any other agency or person, prescribe ~~such~~ regulations, employ ~~such~~ personnel, and take ~~such other any~~ action ~~as he that the state superintendent~~ may ~~deem consider~~ necessary to provide for the



establishment, maintenance, operation, and expansion of ~~any a~~ school lunch program and to direct the disbursement of federal and state funds ~~in accordance with~~ **under** any ~~applicable provision of~~ federal or state law.

(b) The state superintendent ~~of public instruction~~ may give technical advice and assistance to ~~any a~~ school ~~board corporation~~ in connection with the establishment and operation of ~~any a~~ school lunch program and may assist in training personnel engaged in the operation of ~~such the~~ program. The state superintendent ~~of public instruction~~ and any school ~~board, corporation~~ or any sponsoring agency (~~hereinafter referred to~~), may accept any gift for use in connection with ~~any a~~ school lunch program.

[IC 20-5-13-4] Sec. 4. ~~School boards are hereby authorized to A governing body may~~ operate or, by the appointment of a sponsoring agency, provide for the operation of school lunch programs in schools under ~~their the governing body's~~ jurisdiction, contract with respect to food, services, supplies, equipment, and facilities for the operation of ~~such the~~ programs, and use ~~therefor~~ funds disbursed ~~to them~~ under ~~the provisions of~~ this chapter, gifts, and other funds received from ~~the~~ sale of school lunches under ~~such the~~ programs.

[IC 20-5-13-5] Sec. 5. The state superintendent ~~of public instruction~~ shall prescribe rules for ~~the~~ keeping ~~of~~ accounts and records and ~~the~~ making ~~of~~ reports by or under the supervision of ~~school boards. Such a governing body.~~ The accounts and records shall ~~at all times~~ be available for inspection and audit **at all times** by authorized officials and shall be preserved for ~~such a period of time, not in excess of at least~~ five (5) years, as the state superintendent ~~of public instruction~~ may ~~lawfully~~ prescribe. The state superintendent ~~of public instruction~~ shall conduct or cause to be conducted ~~such any~~ audits, inspections, and administrative reviews of acts, records, and operations ~~with respect to of a school lunch programs as may be program necessary to do the following:~~

(1) Determine whether ~~his~~ agreements with ~~school boards the governing body~~ and rules ~~made pursuant to under~~ this chapter are being complied with. ~~and to~~

(2) Ensure that ~~a school lunch programs are program is~~ effectively administered.

[IC 20-5-13-6] Sec. 6. The state superintendent ~~of public instruction~~ ~~is hereby authorized may,~~ to the extent that funds are available for ~~that purpose,~~ and in cooperation with other appropriate agencies and organizations, **to do the following:**

(1) Conduct studies of methods of improving and expending school lunch programs and promoting nutritional education in the schools. ~~to~~

(2) Conduct appraisals of the nutritive benefits of school lunch programs. ~~and to~~



(3) Report ~~his~~ the findings and recommendations ~~from time to time~~ periodically to the governor.

[IC 20-5-13-8] Sec. 8. All and any of the rights, powers, duties, and liabilities in favor of or enjoined upon ~~said the~~ administrative defense council of the state ~~of Indiana~~ arising out of the execution of ~~said the~~ contract of August 27, 1946, with ~~said the~~ United States Department of Agriculture, and the carrying out of ~~said the~~ school lunch program pursuant ~~thereto~~, to the contract, shall immediately vest in the state superintendent ~~of public instruction~~ on March 15, 1947, and ~~said the~~ contract shall ~~thereafter~~ be carried out and performed by and in the name of ~~said the~~ state superintendent ~~of public instruction~~, for and on behalf of the state ~~of Indiana~~, without the necessity of executing a new contract, ~~therefor~~, unless a new contract shall be found to be is necessary or desirable by the parties. ~~thereto~~.

[IC 20-5-13-9] Sec. 9. (a) All school cities, school townships, school towns, and joint districts ~~are hereby authorized to may~~:

(1) establish, equip, operate, and maintain school kitchens and school lunchrooms for the improvement of the health of ~~the school children attending school therein~~, students and for the advancement of the educational work of their respective schools; to

(2) employ all necessary directors, assistants, and agents; and

(3) appropriate funds ~~of such school corporations for such purpose. Such for the school lunch program.~~

Participation in a school lunch program ~~pursuant to the provisions of under~~ this chapter ~~shall be is~~ discretionary with the governing board of ~~any a~~ school corporation.

(b) ~~In the event that If~~ federal funds are not available for the purpose of carrying on to operate a school lunch program, the state of ~~Indiana~~ shall not participate in ~~such a~~ school lunch program, and any money appropriated by the state ~~of Indiana~~ for ~~such that~~ purpose and not expended shall immediately revert to the state general fund. Failure on the part of the state ~~of Indiana~~ to participate in the school lunch program ~~shall does~~ not invalidate any appropriation made or school lunch program carried on by ~~any a~~ school corporation by means of gifts or money raised by tax levy pursuant to the provisions of under this chapter. ~~for the purpose of such school lunch program.~~

[IC 20-5-13.5-1] Sec. 1. As used in this chapter, "participating school corporation" refers to a school corporation that includes at least one (1) qualifying school building.

[IC 20-5-13.5-2] Sec. 2. As used in this chapter, "qualifying school building" refers to a public school building in which:

(1) at least twenty-five percent (25%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and



(2) lunches are served to students.

[IC 20-5-13.5-3] Sec. 3. As used in this chapter, "school breakfast program" refers to a program under which breakfast is served at a qualifying school building on a nonprofit basis to **children students** enrolled at the qualifying school building.

[IC 20-5-13.5-4] Sec. 4. By October 1, 1994, the governing body of a participating school corporation shall implement or contract for the implementation of a school breakfast program at each qualifying school building within the school corporation's boundaries.

[IC 20-5-13.5-5] Sec. 5. ~~The~~ **A** governing body shall implement the governing body's breakfast program in compliance with the requirements for participation in the national school breakfast program under 42 U.S.C. 1773 et seq.

[IC 20-5-13.5-6] Sec. 6. The department shall assist each participating school corporation in implementing the school's breakfast program and in making all appropriate applications to the federal government for available financial assistance on behalf of the participating school corporation.

[IC 20-5-13.5-7] Sec. 7. The department shall monitor the school breakfast programs required under this chapter and maintain complete and accurate records of the programs.

[IC 20-5-13.5-8] Sec. 8. (a) The department shall establish guidelines to implement this chapter.

(b) The state board may adopt rules under IC 4-22-2 to implement this chapter.

[IC 20-5-15-1] Sec. 1. In ~~all~~ the cities and incorporated towns, ~~of this state; the board of school trustees; board of school commissioners; or whatever board may be established by law to take charge of the public or common schools of said city or incorporated town; shall have power; if, in their discretion; they deem it to the public interest; to a governing body may establish a free public library in connection with the common schools. of said city or incorporated town; and to make such rules and regulations for:~~

(1) the care, ~~and~~ protection, and **government operation** of ~~such the library; and for~~

(2) the care of ~~the books provided therefor; and for the taking from other materials; and~~

(3) **borrowing and returning to said library of such books as the said board may deem necessary and proper; and to provide other materials and penalties for the violation thereof; any violations.**

However, in any city or incorporated town where there is already established a library open to all the people, ~~no~~ a tax shall **not** be levied. ~~for the purpose herein named.~~ [QUERY: What date? Probably the date of original enactment.]

[IC 20-5-15-2] Sec. 2. ~~Such board shall also have power to~~ **The governing body may** levy a tax of not ~~exceeding more than~~ one (1)



mill on each **one dollar (\$1)** of taxable property assessed for taxation in ~~such a city or incorporated town~~ in each year. ~~which The~~ tax shall be placed on the tax duplicate of ~~such the city or incorporated town~~ and collected in the same manner as other taxes. ~~and when said The~~ taxes are so collected, they shall be paid over to the ~~said board governing body~~ for the support and maintenance of ~~said the public library~~. Such board shall have power, and it shall be its duty, to disburse said fund, and ~~all The governing body may use tax revenues derived from gift or devise, in providing and fitting up received under this section and gifts, devises, and grants to:~~

- (1) provide suitable rooms facilities for ~~such the~~ library;
- (2) in the purchase care and binding of books therefor, and other materials; and in the payment of salaries to a librarian and necessary assistants.
- (3) hire necessary personnel.

[IC 20-5-15-3] Sec. 3. Any ~~such A~~ city or **incorporated town** in which a free public library ~~may be is~~ established in accordance with the terms of ~~under~~ this chapter may acquire by purchase or take and hold by gift, grant, or devise any real estate necessary for, or ~~which may be that is~~ donated or devised for, the benefit of ~~such the~~ library. and ~~all revenues arising therefrom, and the proceeds of the same, if sold, Any revenue derived from the real property shall be devoted to the use of said used for the library.~~

[IC 20-5-16-1] Sec. 1. The board of school commissioners of any incorporated town or city, or the trustee of any school corporation **A governing body** may establish and maintain, in connection with or in addition to the other school of such town or city, nursery schools for the instruction of children under less than six (6) years of age. the Expenses of ~~which operating the nursery schools~~ shall be paid in the same manner as other grades and departments now established in the common schools of ~~such expenses of the school corporation.~~

[IC 20-5-16-2] Sec. 2. For the purpose of establishing and maintaining any such nursery schools, ~~said A~~ school corporations **corporation** may make provisions therefor **establish and maintain nursery schools** from the same revenue in the same manner as other grades and departments in the common schools of ~~such the school corporations corporation~~ are provided for and may ~~make application apply~~ for and receive from any state or federal governmental agency ~~such any~~ funds as may be made available through ~~such the~~ agencies for ~~such that~~ purpose.

[IC 20-5-16-3] Sec. 3. Any ~~school authorities, A school corporation~~ may in their discretion, ~~apply the fund provided for in this section or use funds under section 2[??] of this chapter or such portion thereof as they deem advisable, to for~~ the aid, maintenance, and support of nursery schools conducted by ~~any an~~ association incorporated for the purpose, provided, however, that such association



1 in any town or city shall have the approval of the board of school
 2 trustees or board of school commissioners of such town or city: to
 3 operate a nursery school.

4 [IC 20-5-18-1] Sec. 1. Any building or other property ~~belonging~~
 5 to any owned by a civil township in this state may be conveyed to the
 6 corresponding school township in the manner prescribed in this
 7 chapter.

8 [IC 20-5-18-2] Sec. 2. ~~In order~~ To effect ~~the a~~ transfer or
 9 conveyance of any building or other property from ~~any a~~ civil township
 10 to the corresponding school township, a petition may be filed with the
 11 board of commissioners of the county in which ~~such the~~ civil township
 12 is ~~situated, located~~, asking for the conveyance or transfer of ~~such the~~
 13 building or other property, the nature of the building or other property
 14 to be conveyed or transferred, and the reasons for ~~desiring to effect~~
 15 ~~such the~~ conveyance or transfer. The petition ~~shall must~~ be signed by
 16 a majority of the legal voters ~~resident within such~~ residing in the civil
 17 township and shall be filed in the office of the county auditor. At the
 18 time of filing ~~such the~~ petition, the petitioners shall give a bond, with
 19 good and sufficient freehold sureties, payable to the state, to be
 20 approved by the board of commissioners, conditioned to pay all
 21 expenses ~~in the event if~~ the board of commissioners ~~shall fail to does~~
 22 not authorize the proposed conveyance or transfer. Immediately after
 23 ~~such a~~ petition ~~shall have been is~~ filed, the county auditor shall give
 24 notice of the filing of ~~such the~~ petition by ~~causing~~ publication to be
 25 made once a week for two (2) consecutive weeks in one (1) newspaper
 26 printed and published in the county and of general circulation in the
 27 county in which ~~such the~~ civil township is ~~situated, located~~. The board
 28 of commissioners shall hear the petition at ~~their the~~ next regular ~~term;~~
 29 meeting and on the day designated in the notice, and shall determine
 30 all matters ~~pertaining thereto, and concerning the petition~~. If ~~such the~~
 31 board ~~shall be is~~ satisfied as to the propriety of granting the ~~prayer of~~
 32 the petitioners; ~~petitioners' request, they shall so find; and thereupon~~
 33 the board shall make a finding to that effect, and the trustee of ~~such~~
 34 the civil township shall convey ~~such the~~ building or other property
 35 belonging to ~~such the~~ civil township to ~~such the~~ corresponding school
 36 township, and ~~such the~~ school township ~~shall thereafter hold; control~~
 37 and manage ~~such thereafter holds, controls, and manages the~~
 38 building or other property. All expenses incurred in the conveyance of
 39 such property, if such conveyance be authorized, shall be paid out of
 40 the general funds of such civil township.

41 [IC 20-5-19-1] Sec. 1. A school corporation (as defined by in
 42 IC 36-1-2-17) may convey property owned by the school corporation
 43 to a civil city or other political subdivision for civic purposes if:

- 44 (1) the ~~board of the school corporation governing body~~ adopts a
 45 resolution recommending the transfer and conveyance of the
 46 school property;



(2) the civil city or political subdivision agrees to accept the school property;

(3) the ~~members of the board for the school corporation execute~~ **governing body executes** a deed for the school property; and

(4) the conveyance is not for payment or other consideration.

[IC 20-5-20-2] Sec. 2. ~~Any such common~~ **A** school corporation ~~which has heretofore acquired or shall hereafter acquire~~ **that acquires** any ~~personal~~ **real** property or real estate by gift, devise or bequest in respect of which, the donor or testator at the time of making the same, has annexed or may annex conditions or directions concerning the manner in which the same shall be held, used, enjoyed or disposed of, shall hold, use, enjoy and dispose of the same agreeably to **real property under** the terms and conditions so imposed by the donor or devisor.

[IC 20-5-20-3] Sec. 3. ~~(a) In every case where any such~~ **If a** common school corporation has acquired ~~or shall acquire or acquires~~ any personal property or real estate by gift, devise, or bequest in respect ~~of concerning~~ which the donor or testator, at the time of making the same, ~~gift, bequest, or devise, has not or shall~~ **does not annex include** conditions or directions concerning the ~~same gift, bequest, or devise~~ inconsistent with the requirement of this section, the principal of ~~such~~ **those** gifts, devises, and bequests ~~shall be~~ **is** inviolate, but the interest, rents, incomes, issues, and profits thereof may be expended by ~~such the~~ school corporation. ~~Such~~ **The** interest, rent, incomes, issues, and profits ~~shall may~~ not be devoted:

(1) to the payment of any obligation of the corporation incurred before the property was acquired;

(2) ~~nor~~ to the payment of the salaries or wages of:

(A) teachers of the branches commonly and generally taught in the public schools; or ~~for~~

(B) school or library officers or employees; ~~nor or~~

(3) to ~~the~~ purchase of ordinary school furniture or supplies of the character required by the corporation to be paid for from the current income or revenue coming to it from taxes or by operation of law.

~~but the same~~ **However, the interest, rents, incomes, issues, and profits** may be devoted to any public educational or public library or kindred **similar** purpose for which in the judgment of the managing board or trustee of the corporation **believes** adequate financial provision ~~shall has not have~~ been made by law.

(b) If in the judgment of ~~such the~~ board or trustee it ~~seems wise~~ **believes it is prudent** to invest the principal of the gift, devise, or bequest in the erection or equipping, or both, of a building to be devoted to some special use of a public educational or library character, and the expressed will of the donor or testator will not ~~thereby~~ be violated, the principal ~~may be so~~ **may be used for that purpose,**



1 anything in this chapter to the contrary notwithstanding **any other**
 2 **provision of this chapter.** ~~but This provision shall~~ **subsection may not**
 3 be construed to permit its use for the building or equipping of buildings
 4 for the ordinary graded or high schools.

5 [IC 20-5-20-4] Sec. 4. If ~~in the judgment of~~ the board of trustees or
 6 school commissioners of any corporation ~~coming under the terms of~~
 7 **governed by** this chapter ~~it would be wise believes it is prudent~~ to
 8 appoint a trustee or trustees to hold the title to any such property, real
 9 or personal, acquired by ~~it the board or commissioners~~ in the manner
 10 mentioned in this chapter, unless the wish and will of the donor or
 11 testator expressed as aforesaid would thereby be violated, and to invest
 12 the principal and pay over from time to time only the net interest, rents,
 13 issues, incomes, and profits of the fund to the school corporation for
 14 use as **provided** in this chapter, ~~provided, such the~~ school corporation
 15 ~~is hereby authorized and empowered to may~~ name and appoint ~~such~~
 16 ~~trustee or one (1) or more~~ trustees and to vest in ~~him or them the~~
 17 **trustees** the title to ~~such the~~ property, subject to such trust and powers
 18 as the school corporation may impose, not inconsistent with:

19 (1) the **expressed** wish or will of the donor or testator; ~~expressed~~
 20 ~~as aforesaid; or of the provisions of~~

21 (2) this chapter;

22 applicable to ~~such the~~ property in case no such transfer to a trustee has
 23 been made. ~~Provided, that~~ **However**, if the managing board of ~~such the~~
 24 school corporation ~~shall consist~~ **consists** of fewer than three (3) persons
 25 and the school corporation elects to have the property held and
 26 managed by trustees, the corporation shall establish the terms of the
 27 trust and make the conveyance, ~~but the trustees shall in such case be~~
 28 ~~not fewer than three (3) and shall be named and appointed by and the~~
 29 judge of the circuit court of the county in which the school corporation
 30 is domiciled **shall appoint at least three (3) trustees.**

31 [IC 20-5-20-5] Sec. 5. It is the main purpose of this chapter that the
 32 identity of the principal of gifts, ~~and benefactions of friends of~~
 33 **bequests, and devises to** [QUERY: OK??] the state's public schools
 34 may not be lost and that the income from ~~their investment of the gifts,~~
 35 **bequests, and devises** shall be used in giving to ~~schoolchildren~~
 36 **students** the public education and library advantages that could not be
 37 enjoyed if only the school and library revenue and income provided by
 38 law were available. ~~but nothing in~~ This chapter shall **not** be construed
 39 as a limitation against the investment and reinvestment either by the
 40 school corporation itself or the trustees appointed ~~agreeably to under~~
 41 this chapter, ~~from time to time;~~ [QUERY: OK to strike??] as the safety
 42 of the fund or the best interests of the **recipient school** corporation
 43 ~~may, to the school corporation to which it is given; seem to require.~~

44 [IC 20-5-21-1] Sec. 1. ~~Whenever any person shall give or bequeath~~
 45 ~~unto~~ **If a person gives or bequeaths to** trustees [QUERY: Which
 46 **trustees?]** any sum of money ~~exceeding that exceeds~~ five thousand



dollars (\$5,000) for the purpose of erecting a public school building or seminary in any unincorporated town, ~~in this state~~; and upon the express or implied condition contained in ~~said the gift or~~ bequest that an ~~equal~~ amount ~~equal thereto~~ shall be raised by the citizens of ~~said the town or township~~ for a like purpose, the township trustee of ~~said the township~~ in which ~~said the town is situated~~ located shall, upon the petition of a majority of the legal voters of ~~said the township~~, ~~be authorized to~~ prepare, issue, and sell the bonds of ~~said the township~~ to secure a loan not exceeding fifteen thousand dollars (\$15,000), in anticipation of the revenue for special school purposes, for the purpose of complying with the condition ~~annexed attached to such the~~ gift or devise. ~~said The~~ bonds ~~to must~~ bear a rate of interest not exceeding seven ~~(7)~~ percent ~~(7%)~~ per annum, payable at such time, within seven (7) years ~~from after~~ date, as ~~such the~~ trustee ~~may determine~~ determines. ~~Provided, That However,~~ until all the bonds of any one (1) issue ~~shall~~ have been redeemed, ~~such the~~ township trustee ~~shall may~~ not ~~be authorized to~~ make another issue, nor ~~shall may~~ any such bonds be sold at a less rate than ninety-five cents (~~\$0.95~~) on the dollar.

[IC 20-5-21-2] Sec. 2. The whole number of votes cast for candidates for congress at the last preceding congressional election in the township ~~shall be deemed~~ is considered to be the whole number of legal voters of ~~such the~~ township, a majority of whose names shall be signed to the petition presented to ~~such the~~ township trustee, to which petition shall be attached the affidavit or affidavits, as ~~such the~~ trustee ~~may deem~~ considers necessary, of a competent and credible person or persons that the signatures of all the names to ~~said the~~ petition are genuine and that the persons ~~whose names are thereto signed~~ who signed the petition are, as ~~he the~~ trustee believes, legal voters of ~~such the~~ township.

[IC 20-5-21-3] Sec. 3. The township trustee shall record ~~such the~~ petition ~~together with and the attached names attached~~; in the record book of ~~his the~~ township. ~~and carefully~~ The township trustee shall file away and preserve ~~said the~~ petition, and ~~shall enter in such entering into the~~ record a statement of the date and time when ~~such the~~ petition was filed. ~~and If said the township trustee shall then be is~~ satisfied that ~~said the~~ petition contains the names of a majority of the legal voters of ~~said the township~~, ~~he the township trustee~~ shall then prepare, issue, and sell bonds ~~to of~~ the amount petitioned for listed in ~~said the~~ petition, as provided in section 1[??] of this chapter. ~~and The township trustee~~ shall accurately keep a record of all proceedings ~~in and about concerning~~ the issue and sale of ~~said the~~ bonds, to whom and for what amount sold, the rate of interest, ~~they bear~~, and the time when ~~they the~~ bonds become due.

[IC 20-5-23-1] Sec. 1. ~~Whenever, in the opinion of~~ If:

(1) the trustees of school corporations of any city or town, or of



(2) the township trustee of any township ~~in the state, it shall be~~
~~considered believes it is~~ necessary to purchase any real estate on
 which to build a schoolhouse, or for any other purpose connected
 therewith; [QUERY: connected with the building of a
 schoolhouse?] ~~such~~

~~the~~ township trustee or school trustees, or a majority of them, may file
 a petition in the circuit court of ~~said the~~ county asking for the
 appointment of appraisers to appraise and assess the value of ~~said the~~
 real estate.

[IC 20-5-23-2] Sec. 2. ~~Upon said petition being filed, the owner or~~
~~owners of said real estate, having had~~ Ten (10) days notice of the
~~pendency thereof, after a petition is filed under section 1[??] of this~~
~~chapter,~~ the court shall appoint three (3) freeholders ~~resident who~~
~~reside in said the~~ school corporation or ~~said~~ township where ~~said the~~
 real estate is ~~situate, located~~ to appraise and assess the value ~~thereof~~
 of the real estate. [QUERY: This assumes that filing the petition
 gives the court notice of the pending of the petition -- OK??]

[IC 20-5-23-3] Sec. 3. ~~Said appraisers,~~ Before making ~~said the~~
 appraisement and assessment, ~~the appraisers~~ shall take an oath before
 the clerk of ~~said the~~ court to make a fair, true, and honest appraisement
 of ~~said the~~ real estate and shall then proceed to examine ~~said the~~ real
 estate, hear ~~such~~ evidence as they may consider necessary, and make
 a report of their appraisement to ~~said the~~ court ~~within not later than~~
 five (5) days after their appointment. ~~and thereupon such~~ Then the
 township trustee or school trustees of ~~such the~~ school corporation, or
 a majority of them, may pay to the clerk of ~~said the~~ court, for the use
 of the owner or owners ~~thereof, of the real estate,~~ the amount ~~thus~~
 assessed. ~~and, upon such~~ When the payment being is made and the
 same having been payment is shown to the court hearing said cause,
 the title to ~~said the~~ real estate shall at once vest vests immediately in
~~such the~~ school corporation or school township for ~~said school~~
 purposes, [QUERY: OK??] and ~~said the~~ court shall cause ~~said the~~ real
 estate to be conveyed to ~~said the~~ school corporation or school township
 by a commissioner appointed ~~therefor, and said for that purpose, and~~
 the school corporation or school township may immediately take
 possession of ~~said the~~ real estate for ~~said the~~ purpose. Upon the report
 of ~~said the~~ appraisers being filed, any party to the action, within ten
 (10) days, may except to the amount of the appraisement and valuation
 of ~~said the~~ real estate, and a trial may be had thereon before ~~said the~~
 court as other civil causes are tried, and ~~said the~~ court shall fix the
 amount of ~~said the~~ appraisement and assessment, and any party to ~~said~~
 the action may appeal from the judgment of ~~said the~~ court as other
 civil cases are appealed. ~~Provided, That should said~~ However, if the
 township trustee or school trustees, or a majority of them, except to the
 amount of the appraisement and assessment, as ~~aforesaid,~~ the court
 shall convey ~~said the~~ real estate to ~~said the~~ school corporation or



1 school township, and the title to ~~said the~~ real estate ~~shall at once vest~~
 2 ~~in said vests immediately in the~~ school corporation or school township
 3 for ~~said the~~ purposes, and the subsequent proceedings upon ~~said the~~
 4 exceptions ~~shall only affect only~~ the amount of ~~such the~~ appraisalment
 5 and assessments.

6 [IC 20-5-23-4] Sec. 4. Before the filing of ~~said the~~ petition, ~~said the~~
 7 township trustee or school trustees, or a majority of them, may offer or
 8 tender to the owner or owners of ~~said the~~ real estate an amount ~~deemed~~
 9 **considered** a reasonable value ~~therefor, and should for the real estate.~~
 10 **If** the amount fixed by the appraisers or by the court ~~subsequently~~
 11 ~~thereto be later becomes~~ the same or less than the amount ~~so~~ tendered,
 12 then ~~said the~~ cause shall be prosecuted at the cost of the owner or
 13 owners of ~~said the~~ real estate, and upon exception to the amount fixed
 14 by the appraisers, ~~should said if the~~ exceptor **does** not increase the
 15 amount of ~~said the~~ appraisalment and assessment, the action on ~~such~~
 16 **the** exception shall be at the cost of ~~such the~~ exceptor. ~~Where~~ **If** no
 17 amount has been tendered by ~~said the~~ township trustee or school
 18 trustees, or a majority of them, and no exception taken, the action shall
 19 be prosecuted at the ~~costs cost~~ of the petitioners.

20 [IC 20-5-28-1] Sec. 1. (a) A school corporation ~~in Indiana~~ may
 21 purchase buildings **or** lands, or ~~lands and buildings~~ both, for school
 22 purposes and ~~for that purpose may~~ improve the buildings or ~~land~~
 23 **lands, or both.**

24 (b) An existing building, other than a building obtained under
 25 IC 5-17-2 (before its repeal) or IC 4-13-1.7, permitting the purchase of
 26 suitable surplus government buildings, may not be purchased for use
 27 as a school building unless the building was originally constructed for
 28 use by the school corporation and used for that purpose for ~~a period of~~
 29 **at least** five (5) years ~~or more next~~ preceding the acquisition as
 30 provided in this chapter.

31 (c) Notwithstanding any provisions in this chapter limiting the
 32 purchase of school buildings, a school corporation may purchase
 33 suitable buildings **or** lands, or ~~lands and suitable buildings both,~~
 34 adjacent to school property for school purposes and ~~for that purpose~~
 35 **may** improve the buildings or ~~land lands, or both,~~ after giving notice
 36 to the taxpayers of the intention of the school corporation to purchase.
 37 ~~The~~ Taxpayers of the school corporation have the same right of appeal
 38 to the department of local government finance under the same
 39 procedure as provided for in IC 6-1.1-20-5 through IC 6-1.1-20-6.

40 [IC 20-5-28-2] Sec. 2. ~~For the purpose of procuring funds to pay the~~
 41 ~~purchase price of such building, or lands, or lands and buildings, and~~
 42 ~~improving the same for school purposes, such~~ A school corporations
 43 ~~shall have the power to may~~ issue and sell their bonds under the
 44 provisions of the general statutes governing the issuance of bonds of
 45 ~~such school corporations:~~ **to purchase and improve buildings or**
 46 **lands, or both.** All laws relating to the filing of petitions,



1 remonstrances, and objecting petitions, ~~the~~ giving of notices of the
 2 filing of petitions, ~~the~~ determination to issue bonds, and ~~the~~
 3 appropriation of the proceeds of the bonds ~~shall be~~ **are** applicable to
 4 the issuance of bonds under ~~the provisions of~~ this chapter.

5 [IC 20-5-28-3] Sec. 3. (a) If: ~~any~~

6 (1) a school township whose boundaries are coterminous with the
 7 boundaries of the corresponding civil township ~~shall have~~ **has**
 8 occupied as lessee for a ~~period of at least~~ five (5) years ~~or more~~
 9 a building constructed for its use as a school building; ~~and~~

10 (2) the township board ~~shall find~~ **finds** that it would be ~~to in~~ the
 11 best interests of the school township and ~~its~~ taxpayers for the
 12 school township to purchase ~~such the~~ building; and ~~that~~

13 (3) the ~~whole entire~~ amount required to pay the cost of
 14 acquisition cannot be provided by the school township on account
 15 of the constitutional debt limitation; ~~then~~

16 the township board, with the approval of the township trustee, may
 17 authorize the issuance of bonds by each of the school township and the
 18 civil township to provide funds to pay the cost of acquisition of ~~such~~
 19 **the** building.

20 (b) The amount of the civil township bonds ~~shall may~~ not exceed
 21 the amount required to pay the cost of acquisition over and above the
 22 amount ~~which that~~ can validly be financed by the school township for
 23 that purpose. The issuance of ~~such~~ bonds ~~shall must~~ be authorized by
 24 separate resolutions specifying the amount, terms, and conditions of the
 25 bonds to be issued by each of ~~said the~~ corporations. ~~and~~ The bonds
 26 issued ~~shall be are~~ the separate obligations of ~~said the~~ corporations,
 27 respectively. ~~Such The~~ bonds ~~shall must~~ be payable at such times and
 28 in such amounts ~~within not later than~~ twenty (20) years ~~from after~~ the
 29 date of issuance as the township board may determine, and shall
 30 otherwise be authorized, issued, and sold in accordance with the
 31 applicable general laws.

32 (c) The ~~word As used in this section,~~ "building" ~~shall be construed~~
 33 ~~to include includes~~ the land appurtenant thereto occupied by the school
 34 township for school purposes.

35 [IC 20-5-32-1] Sec. 1. It is ~~hereby declared to be~~ the policy of ~~the~~
 36 ~~general assembly~~ of the state of ~~Indiana~~ to promote the acquisition,
 37 construction, and erection of school facilities by ~~what is known as~~ the
 38 off-site construction method ~~in order that so~~ school corporations ~~in the~~
 39 ~~state of Indiana~~ might obtain needed school facilities ~~which, that,~~ in
 40 many cases, would be denied ~~them~~ by the higher cost of conventional
 41 construction. ~~of such facilities.~~

42 [IC 20-5-32-2] Sec. 2. ~~The term As used in this chapter,~~ "off-site
 43 construction" means the fabrication and assembly of the component
 44 parts of various materials at a point other than the construction site
 45 where ~~they the~~ parts are normally fabricated or assembled.

46 [IC 20-5-32-3] Sec. 3. When the governing body or officer of ~~any~~



1 a school corporation in the state shall ~~determine~~ **determines** to erect or
 2 build a school building or buildings in which off-site construction
 3 techniques are to be used, ~~said the governing~~ body or officer shall
 4 advertise for plans and specifications and for bids covering ~~said the~~
 5 plans and specifications. Each bidder ~~shall be required to must~~ file his
 6 ~~or it's the bidder's~~ plans or specifications ~~together~~ with his ~~or it's the~~
 7 bid. ~~Such~~ **The** advertisement shall be published once each week for a
 8 ~~period of~~ two (2) consecutive weeks in two (2) newspapers published
 9 in the school corporation. If only one (1) newspaper is published in ~~said~~
 10 ~~the boundaries of the~~ school corporation, ~~then said the~~ advertisement
 11 shall be published in ~~such that~~ newspaper and ~~also in any a~~ newspaper
 12 of general circulation published in the county where ~~such the~~ school
 13 corporation is located. If ~~no a~~ newspaper is **not** published in ~~said the~~
 14 ~~boundaries of the~~ school corporation, ~~then such the~~ advertisement
 15 shall be published in any two (2) newspapers of general circulation
 16 published in the county where ~~said the~~ school corporation is located.
 17 If ~~there be but only~~ one (1) newspaper **is** published in the county where
 18 ~~such the~~ school corporation is located, publication in ~~such one (1)~~
 19 newspaper ~~shall be is~~ sufficient. ~~Said~~ **The** advertisement ~~shall recite~~
 20 **must give** a description of the building or buildings to be erected and
 21 the estimated cost. ~~thereof, and shall not require any~~ Plans and
 22 specifications or bids **are not required** to be filed for a ~~period of~~ at
 23 least four (4) weeks after the date of the last publication of ~~said the~~
 24 advertisement. Subject to other applicable provisions of this chapter,
 25 ~~said the~~ school corporation may accept the bid of the lowest bidder
 26 submitting plans and specifications **considered satisfactory by the**
 27 **school corporation** for a building or buildings. ~~deemed satisfactory by~~
 28 ~~said school corporation.~~

29 [IC 20-5-32-4] Sec. 4. For the purpose of procuring funds to pay the
 30 cost of such building or buildings, and costs incidental thereto, ~~such A~~
 31 school corporation ~~shall have the powers to may~~ issue and sell bonds
 32 **to construct a building or buildings** under the provisions of the
 33 general statutes governing the issuance and sale of bonds ~~of such by~~
 34 school corporations ~~insofar as they are if~~ not in conflict with the
 35 ~~provisions of~~ this chapter.

36 [IC 20-5-32-5] Sec. 5. ~~Prior to~~ **Before** the execution of ~~any a~~
 37 contract ~~pursuant to the provisions hereof, under this chapter,~~ the
 38 plans and specifications for ~~such a~~ building or buildings, which shall
 39 be prepared by an architect or engineer registered to practice in
 40 Indiana, shall be submitted to the state department of health, the state
 41 fire marshal, the state building commissioner, and ~~such any~~ other
 42 agencies ~~as may be~~ designated by law to pass on plans and
 43 specifications for school buildings. ~~and such~~ **The** plans and
 44 specifications shall be approved by ~~such agencies each agency~~ in
 45 writing ~~prior to before~~ the execution of ~~such the~~ contract.

46 [IC 20-5-32-6] Sec. 6. After the completion of ~~any a~~ school



1 building or buildings erected or constructed under ~~the provisions of this~~
 2 chapter ~~but prior to its acceptance, and before acceptance by the~~
 3 **school corporation**, the state building commissioner shall examine and
 4 inspect ~~such the~~ building or buildings to determine whether the
 5 requirements of the contract and the plans and specifications have been
 6 ~~faithfully complied with, and it shall be met.~~ The ~~commissioner's duty~~
 7 **to state building commissioner shall** immediately report to ~~such the~~
 8 school ~~authority corporation~~ any deviation from ~~such any~~
 9 requirements. Before ~~any~~ final payment and settlement ~~shall be is~~
 10 made, the state building commissioner shall file with ~~such the~~
 11 governing body or officer ~~his an~~ affidavit that all requirements of the
 12 contract and of the plans and specifications have been fully and
 13 faithfully ~~complied with. met.~~

14 [IC 20-5-32-7] Sec. 7. This chapter ~~shall may~~ not be ~~deemed~~
 15 **considered** to alter, amend, or repeal any other **Indiana** statute. ~~of the~~
 16 ~~state of Indiana. provided;~~ However, ~~that~~ the provisions of any other
 17 statute ~~shall may~~ not apply to proceedings under this chapter to the
 18 extent that ~~any such the~~ statute is inconsistent with ~~the provisions of~~
 19 this chapter.

